

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL J. FLEISHOUR, et al.,)	
)	
Plaintiff(s),)	
)	
vs.)	Case No. 4:08CV01958 ERW
)	
STEWART TITLE GUARANTY)	
COMPANY,)	
)	
Defendant(s).)	

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiffs’ Amended Affidavit Regarding Attorney Fees [doc. #74]. Defendant has filed a Response to the Affidavit [doc. #75] and Plaintiffs have filed a Reply [doc. #76]. These pleadings were filed in accordance with this Court’s Memorandum and Order [doc. #70] issued on September 28, 2010.

In this Court’s September 28, 2010 Memorandum Opinion, it was ordered that Plaintiffs were entitled to recover attorneys’ fees “directly related to the Silberman litigation,” but Plaintiffs’ documentation of attorneys fees failed to differentiate between expenses in the Silberman lawsuit and litigation in this case, because certain client ledger entries included tasks in both cases. The Court allowed Plaintiffs to supplement their documentation with an affidavit of counsel detailing which fees were incurred in defending the Silberman suit, and allowed Defendant an opportunity to respond. Plaintiffs’ anticipated affidavit, Defendant’s responsive affidavit and Plaintiffs’ reply and affidavit are now before the Court for ruling.

I. DISCUSSION


After Plaintiffs' attorney filed an amended affidavit, Defendant's attorney filed a response. At that point, there remained a disagreement between the parties only about two sums. Defendant argued that Plaintiffs' attorney fees should be reduced from \$12,460.00 by the sum of \$1,050.00, because that amount is attributable solely to this litigation, and that there should be a further reduction of \$1,540.00, because that sum is attributable, in part, to the Silberman lawsuit and, in part to this case. Plaintiffs' attorney then filed a reply to Defendant's response, claiming an additional \$480.00 for payment of a bill of costs in the state action, stating that total attorney fees and costs due Plaintiffs are \$13,436.48. It appears there is an addition error of \$1.00 in the most recent claim.

In any event, the Court has compared the dates stated in the most recently submitted reply to the hours stated in the earlier filed amended affidavit and concludes that Plaintiffs are entitled to attorneys' fees and costs in the amount of \$13,435.48.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs shall recover from Defendant the sum of \$13,435.48 as and for attorney fees and costs, all related to the state court action.

So Ordered this 17th Day of December, 2010.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE